

DISTRICT ATTORNEY

OF THE

COUNTY OF NEW YORK

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New York, N. Y. 10013

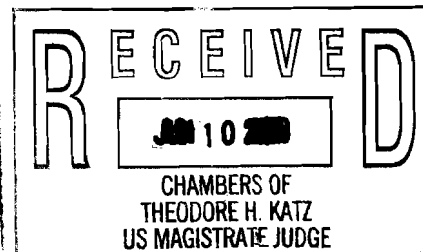
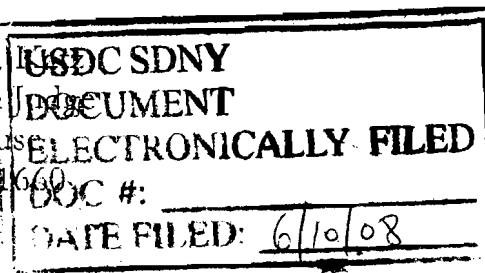
(212) 335-8000

**ROBERT M. MORGENTHAU**
DISTRICT ATTORNEY**MEMO ENDORSED**

June 10, 2008

BY FAX

Honorable Theodore H. Katz
United States Magistrate Judge
United States Court House
500 Pearl Street, Room 1660
New York, NY 10007



Re: James P. Colliton v. Ann Marie Donnelly, et al., 07 Cv. 1922 (LTS) (THK)

Your Honor:

This letter is sent in connection with the above-captioned matter, a case brought pursuant to 42 U.S.C. § 1983 against Robert M. Morgenthau, District Attorney of New York County, and Ann Marie Donnelly and Rachel Lauren Hochhauser, both of whom are Assistant District Attorney for New York County (collectively the "DA Defendants").

I am writing to request a 30-day extension of time to answer or otherwise respond to the Second Amended Complaint on behalf of the DA Defendants. Under the present schedule set by the Court, the DA Defendants' deadline for responding to the Second Amended Complaint is June 16, 2008 (Docket Sheet Entry No. 36). Plaintiff's Second Amended Complaint contains 25 separate causes of action (as opposed to the nine advanced in his initial complaint), and contains innumerable factual allegations that were never advanced in his initial pleading. An extension of time is necessary to investigate these new allegations, as well as to respond meaningfully to all of the claims for relief set forth in the Second Amended Complaint. This extension is also necessary to and also to accommodate the work and vacation schedule of the attorney assigned to this matter.

DISTRICT ATTORNEY, NEW YORK COUNTY

Hon. Theodore H. Katz

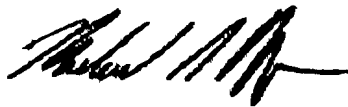
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I therefore respectfully request that the DA Defendants be granted a 30-day extension of time, i.e., until July 16, 2008, to file an answer or motion to dismiss the Second Amended Complaint. Plaintiff's time to respond to DA Defendants' motion to dismiss should accordingly be extended until August 18, 2008, and the DA Defendants' time to file any reply be extended until August 29, 2008. I would also ask that the DA Defendants be permitted to file a memorandum in support of their motion not to exceed 40 pages. Of course, the DA Defendants will have no objection should plaintiff seek a similar extension in responding to the DA Defendants' motion to dismiss.

This is the DA Defendants' first request for an extension of time to respond to the Second Amended Complaint. Because plaintiff is proceeding pro se, his consent to this application has not been sought nor obtained.

Respectfully submitted,



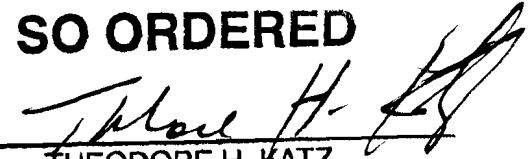
Michael S. Morgan
Senior Appellate Counsel
Director, Civil and Federal Litigation Unit
(212) 335-9371 (telephone)
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cc: James P. Colliton, plaintiff pro se
28 Milbank Road
Poughkeepsie, New York 12603
(by mail)

Granted.

SO ORDERED

6/10/08



THEODORE H. KATZ

UNITED STATES MAGISTRATE JUDGE